

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, FEBRUARY 24, 2016.

[19]*

JOURNAL OF THE HOUSE.

Wednesday, February 24, 2016.

Met according to adjournment at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Communications.

Communications

From the Department of Elementary and Secondary Education (see Section 89(kk) of Chapter 71 of the General Laws) submitting the Charter School Enrollment Data annual report;

Charter school
enrollment.

From the Department of Elementary and Secondary Education (see item 7010-0012 of Section 2 of Chapter 182 of the Acts of 2008) submitting the METCO program report;

METCO.

From the Department of Public Health (see item 4513-1020 of Section 2 of Chapter 46 of the Acts of 2015) submitting the Early Intervention Respite Services fiscal year 2015 expenditures and referrals, approved by month;

Early
intervention,—
respite services.

From the Department of Public Health (see item 4512-0204 of Section 2 of Chapter 46 of the Acts of 2015) submitting a report on overdose education and naloxone distribution and first responder naloxone grants;

Naloxone,—
education and
distribution.

From the Department of Public Health (see Section 2G(g) of Chapter 111 of the General Laws) submitting the Prevention and Wellness Trust Fund 2015 legislative report; and

Prevention and
wellness fund.

From the Office of Medicaid (see Section 182 of Chapter 46 of the Acts of 2015) submitting the Medicaid cost savings report;

Medicaid,—
cost savings.

Severally were placed on file.

Petitions.

Mr. Fernandes of Milford (by request) presented a petition (subject to Joint Rule 12) of Michael Barton for legislation to exempt residential security systems from the sales tax; and the same was referred, under Rule 24, to the committee on Rules.

Security
systems,—
sales tax.

Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. McMurtry of Dedham, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the Senate for concurrence.

Mr. Fernandes of Milford presented a petition (subject to Joint Rule 12) of John V. Fernandes for legislation to designate January as peace officer history month; and the same was referred, under Rule 24, to the committee on Rules.

Peace officer
history month.

Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. McMurtry of Dedham, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Mrs. Whipps Lee of Athol presented a petition (accompanied by bill, House, No. 4025) of Susannah M. Whipps Lee (by vote of the town) that the town of Orange be authorized to exempt the position of police chief from certain provisions of the civil service law; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Orange,—
civil service.

Petitions severally were presented and referred as follows:

By Mr. Cusack of Braintree, a petition (subject to Joint Rule 12) of Mark J. Cusack for legislation to further regulate domestic workers.

Domestic
workers.

By Mr. Jones of North Reading, a petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., Jason M. Lewis and James J. Dwyer for legislation to establish a sick leave bank for Steven Everton, an employee of the Department of Developmental Services.

Steven
Everton,—
sick leave.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

A Bill relative to segregated reserve funds in the city of Boston (Senate, No. 1999) (on a petition) [Local Approval Received], passed to engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boston,—
reserve funds.

A petition of Patricia D. Jehlen for legislation to provide limited health services for residents of assisted living residences, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Elder Affairs.

Assisted
living,—
health services.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2139) was referred, in concurrence, to the committee on Elder Affairs.

Reports of Committees.

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Wayland to increase the annual spending limit for its recreational programs revolving fund (House, No. 3940) [Local Approval Received].

Wayland,—
fund.

By the same member, for the same committee, on a petition, a Bill relative to the use of a parcel of land in the city of Woburn for recreational purposes (House, No. 3957) [Local Approval Received].

Woburn,—
land.

By the same member, for the same committee, on a petition, a Bill relative to the charter of the town of Plymouth (House, No. 3968) [Local Approval Received].

Plymouth,—
charter.

By the same member, for the same committee, on a joint petition, a Bill authorizing the town of Falmouth to convey to West Falmouth Library, Inc., a certain parcel of land held for open space, recreational or conservation purposes, in exchange for a parcel of equal or greater value (House, No. 3976) [Local Approval Received].

Falmouth,—
land.

By the same member, for the same committee, on a joint petition, a Bill authorizing the city of Medford to use certain land for any municipal purpose (House, No. 3986) [Local Approval Received].

Medford,—
land.

By the same member, for the same committee, on a joint petition, a Bill validating action taken by the Martha's Vineyard Refuse Disposal and Resource Recovery District (House, No. 3991).

Martha's
Vineyard,—
refuse.

By the same member, for the same committee, on a petition, a Bill relative to the use of legal counsel by the town of Southbridge (House, No. 3999) [Local Approval Received].

Southbridge,—
legal counsel.

By the same member, for the same committee, on a petition, a Bill relative to the Director of Public Works in the town of Southbridge (House, No. 4000) [Local Approval Received].

Southbridge,—
public works.

By the same member, for the same committee, on a petition, a Bill relative to the removal of the Director of Public Works in the town of Southbridge (House, No. 4001) [Local Approval Received].

Id.

By the same member, for the same committee, on a petition, a Bill relative to quasi-judicial boards in the town of Southbridge (House, No. 4002) [Local Approval Received].

Southbridge,—
boards.

By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Carlo Casarano, an employee of the Department of Unemployment Assistance (House, No. 4004).

Carlo
Casarano,—
sick leave.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Engrossed bills

Relative to the Templeton Developmental Center Reuse Committee (see Senate, No. 1083, amended) (which originated in the Senate);

Bills
enacted.

Authorizing the city of Fitchburg to use ImageCast precinct tabulators at a special State Primary (see House, No. 3864, amended); and

Relative to a certain license for the sale of all alcoholic beverages to be drunk on the premises in the city of Beverly (see House, No. 3934);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and it were signed by the acting Speaker and sent to the Senate.

Recess.

At three minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until two o'clock P.M.; and at two minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Quorum.

Mr. D'Emila of Bridgewater thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 145 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 201.

[See Yea and Nay No. 201 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Mr. Rogers of Norwood was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous quorum roll call I was absent from the House Chamber on official business in another part of the State House.

Statement of
Mr. Rogers
of Norwood.

Valedictory Address.

There being no objection, former Representative Robert F. Fennell of Lynn addressed the House regarding his recent departure from service in the House of Representatives.

Valedictory
address.

Reports of Committees.

Mr. Donato of Medford being the Chair,—

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Louis L. Kafka and others for legislation to establish a sick leave bank for Eyma Sutton, an employee of the Department of Children and Families. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Eyma Sutton,—
sick leave.

By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Denise Martinez, an employee of the Massachusetts Commission for the Deaf and Hard of Hearing (House, No. 4017). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Denise
Martinez,—
sick leave.

Mr. Nangle of Lowell, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Barber of Somerville, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill to create the position of poet laureate for the Commonwealth of Massachusetts (House, No. 2927), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Poet
laureate.

Mr. Nangle of Lowell, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill renaming certain facilities, departments, and references in law and regulation (House, No. 130), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4021). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mental
retardation,—
renaming.

Mr. Nangle of Lowell, for said committee, then reported recommending that the matter be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill establishing the Olmsted Park improvement fund (House, No. 3821), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4023). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Olmsted Park,—
fund.

Mr. Nangle of Lowell, for said committee, then reported recommending that the matter be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Ms. Benson of Lunenburg, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

On the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 202.

[See Yea and Nay No. 202 in Supplement.]

Therefore the bill (House, No. 4023) was passed to be engrossed. Sent to the Senate for concurrence.

Subsequently a statement of Ms. Vincent of Revere was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call I was absent from the House Chamber on official business in another part of the State House. Had I been present I would have voted in the affirmative.

Statement of
Ms. Vincent
of Revere.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to streamlining home improvement contractor registration (House, No. 261, changed), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4022). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Contractors,—
registration.

Mr. Nangle of Lowell, for said committee, then reported recommending that the matter be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was

adopted; and the substituted bill was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Scibak of South Hadley, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act relative to home improvement contractor registration."

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 203 in Supplement.]

Therefore the bill (House, No. 4022) was passed to be engrossed. Sent to the Senate for concurrence.

Subsequently a statement of Ms. Hogan of Stow was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call I was absent from the House Chamber on official business in another part of the State House. Had I been present I would have voted in the affirmative.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill improving the accuracy of eyewitness identification procedures (House, No. 3861), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4024). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Nangle of Lowell, for said committee, then reported recommending that the matter be scheduled for consideration by the House. Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Motion to Discharge a Certain Matter in the Orders of the Day.

The House Bill relative to survivors pension benefits and qualified domestic relations orders (House, No. 3971) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Murphy of Weymouth; and it was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Bill passed to be engrossed,—
yea and nay
No. 203.

Statement of
Ms. Hogan
of Stow.

Eyewitness
identification.

Survivors
pension
benefits.

Next
sitting.

Accordingly, without proceeding to the matters in the Orders of the Day, at twenty-nine minutes after three o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following

day at eleven o'clock A.M., in an Informal Session.